

CITY OF MUSKEGON

CITY COMMISSION MEETING

JUNE 23, 2009

CITY COMMISSION CHAMBERS @ 5:30 P.M.

MINUTES

The Regular Commission Meeting of the City of Muskegon was held at City Hall, 933 Terrace Street, Muskegon, Michigan at 5:30 p.m., Tuesday, June 23, 2009.

Mayor Warmington opened the meeting with a prayer from Pastor Tim Cross from the Living Word Church of Muskegon after which the Commission and public recited the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Stephen Warmington, Vice Mayor Stephen Gawron, Commissioners Lawrence Spataro, Sue Wierengo, Steve Wisneski, and Chris Carter, City Manager Bryon Mazade, City Attorney John Schrier, and City Clerk Ann Marie Becker.

Absent: Commissioner Clara Shepherd (excused).

2009-54 INTRODUCTIONS/PRESENTATION:

A. 2009 Interns. AFFIRMATIVE ACTION

Dwana Thompson, Affirmative Action Director, introduced Montel Pierre, Nola Coleman and Melissa Hawley. They are the summer interns from Baker College.

2009-55 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve minutes for the June 8th Commission Worksession, and the June 9th Regular Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. Vacant Building Registration Ordinance Amendments. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend the Code of Ordinances Chapter 10, Section 107, Annual Registration of Vacant Buildings and Registration Fees, for the purpose of exempting legal storage uses, located in the proper zoning

district, from the definition of a vacant structure.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends amendment of Chapter 10, Section 107 Annual Registration of Vacant Buildings and Registration Fees, specifically to amend the definition of Vacant found in sub-section (b)(1)(f).

(Requires second reading.)

C. Fireworks Display Permit for Muskegon Summer Celebration. CITY CLERK

SUMMARY OF REQUEST: Summit Pyrotechnics is requesting approval of a fireworks display permit for July 4th at the Muskegon Summer Celebration. Fire Marshall Metcalf has reviewed the request and recommends approval contingent on inspection of the fireworks.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval contingent on inspection of the fireworks and approval of the insurance.

E. Award of Consulting Contracts for United States Environmental Protection Agency (USEPA) Assessment Grant. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The City of Muskegon has received a USEPA Assessment Grant in the amount of \$200,000. We will proceed to administer this grant in a similar manner to the past Michigan Department of Environmental Quality Site Assessment Grants we have received. Since the grant amount is lower than in the past (although the maximum amount awarded through this particular USEPA Grant fund), it is recommended that only two consultants be awarded a contract. After interviewing five firms, and receiving their qualifications, it is recommended that contracts be awarded to Envirologic Technologies Inc. (Kalamazoo) and Horizon Environmental (Grand Rapids). Both firms have extensive experience with both Brownfields and the EPA. Anne Couture will continue to work with the City as our Brownfield Staff Consultant (these services are financed through the grant as well).

FINANCIAL IMPACT: The consultants' fees will be paid for through the EPA Grant.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To award contracts to Envirologic Technologies Inc. and Horizon Environmental for the USEPA Brownfield Assessment Grant on the condition that they use local contractors, to the extent possible, for their sub-contracted grant funded work (e.g., lab work, surveying, etc.) and to authorize

the Mayor to sign the actual contracts when they have been reviewed and approved by both USEPA and the City Attorney.

F. Sale of Buildable Vacant Lot at 458 Monroe. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of a vacant buildable lot at 458 Monroe (Parcel # 24-205-371-0011-00) to Tony Rader, 1325 7th Street, Muskegon, MI. The lot is 66 x 132 ft. and is being offered to Tony Rader for \$2,000 plus the fee to register the deed. Tony Rader will be combining this property with his existing property, which would be considered unbuildable should his home be destroyed over 75%. His property is 33 x 66 ft. The True Cash Value for the property listed in the Assessor's Office is \$10,000, and our price is set at \$2,500 which is 25% of that amount. The City has owned the property since 2004 and there have been no inquiries for potential construction. The Land Reutilization Committee is recommending approval of the sale at a lesser price due to the size of Tony Rader's current property.

FINANCIAL IMPACT: The sale of this lot will generate additional tax revenue for the City and will place the property back on the City's tax rolls thus relieving the City of continued maintenance costs.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the resolution and to authorize both the Mayor and the Clerk to sign said resolution and deed.

COMMITTEE RECOMMENDATION: The Land Reutilization Committee recommends approval of the sale with the condition that the property be combined with the owner's original parcel.

G. Contract for Excavation at 525 Orchard. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: Approval for Community and Neighborhood Services to execute a contract with Press's LLC, 8081 Holton duck Lake Road, Holton, MI, for the demolition of the structure located at 525 Orchard. This activity is the first action under the City's Orchard Street Redevelopment Program. Press's was the only bid received, at \$3,620.

FINANCIAL IMPACT: The funding will be allocated from the City's NSP Grant.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the request

COMMITTEE RECOMMENDATION: The program was reviewed by the Citizen's District Council.

H. Memorandum of Understanding-Justice Assistance Grant. PUBLIC SAFETY

SUMMARY OF REQUEST: The Director of Public Safety requests that the Commission authorize the Director and the City Manager to enter into an agreement with the City of Muskegon Heights and Muskegon County in regards to the disbursement of the 2009 Justice Assistance Grant. The money in this grant is shared by the three entities. The \$52,970 in this grant will be utilized for the prosecution of city ordinance cases primarily dealing with neighborhood issues.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of this request.

I. Federal Assistance to Firefighters Grant-Fire Station Construction.
PUBLIC SAFETY

SUMMARY OF REQUEST: Public Safety staff request that the Commission support our application for monies as provided by the Federal Assistance to Firefighters Grant-Fire Station construction. Our application is requesting grant money for upgrades and rehabilitation to Station 5 on Marquette Avenue. The exact monetary request has yet to be determined.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of this request.

J. Installation of Fire Alarm System at City Hall. ENGINEERING

SUMMARY OF REQUEST: Authorize staff to enter into a contract with Midstate Securities to install a fire alarm system to replace the aging one currently in place. Midstate is being recommended since they were the lowest responsible bidder with a base bid price of \$11,540.

FINANCIAL IMPACT: The total value of the contract of \$11,540.

BUDGET ACTION REQUIRED: Will be added to the 2009 budget as part of the third quarter update.

STAFF RECOMMENDATION: Authorize staff to enter into a contract with Midstate to replace the fire alarm system at City Hall.

L. City – MDOT Agreement for the Reconstruction of Laketon Avenue from Peck to Wood. ENGINEERING

SUMMARY OF REQUEST: To approve the contract with MDOT for the reconstruction of Laketon Avenue between Peck and Wood, stimulus grant project, and approve the resolution authorizing the Mayor and City Clerk to sign the contract.

FINANCIAL IMPACT: MDOT's participation is limited to the federal funds of

\$800,000. The estimated total construction cost is \$1,045,500.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: Approve the contract and resolution and authorize the Mayor and Clerk to sign both.

M. City – MDOT Agreement for the Reconstruction of Park/Seventh from Southern to Houston. ENGINEERING

SUMMARY OF REQUEST: Approve the contract with MDOT for the reconstruction of Park/Seventh between Southern and Houston and approve the resolution authorizing the Mayor and City Clerk to sign the contract.

FINANCIAL IMPACT: MDOT's participation is capped at the federal funds limit of \$240,000. The estimated total construction cost is \$866,600 (street, water and sewer).

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: Approve the contract and resolution and authorize the Mayor and Clerk to sign both.

Motion by Vice Mayor Gawron, second by Commissioner Wierengo to approve the Consent Agenda as presented minus items D and K.

ROLL VOTE: Ayes: Spataro, Warmington, Wierengo, Wisneski, Carter, and Gawron

Nays: None

MOTION PASSES

2009-56 ITEMS REMOVED FROM THE CONSENT AGENDA:

D. Liquor License Transfer Request for the Frauenthal, 413-415 W. Western.
CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission is seeking local recommendation on a request from PKT Twelve, Inc., co-licensee with lordache Holdings, Inc. to transfer all stock in 2008 Class C-SDM Licensed Business with Dance-Entertainment Permit, Direct Connections-2, Official Permit (food), and 3 Bars located at 413-415 W. Western avenue through transfer of one share from existing stockholder, Patricia Johnson to new stockholder, Chris McGuigan.

PKT Twelve, Inc., then requests to drop lordache Holdings, Inc., as Co-Licensee on the previously described license and add New Official permit (Theater Performances and Set-ups).

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: All departments are recommending approval.

Motion by Commissioner Wierengo, second by Commissioner Carter to approve the liquor license transfer request for the Frauenthal, 413-415 W. Western.

ROLL VOTE: Ayes: Warmington, Wierengo, Wisneski, Carter, Gawron, and Spataro

Nays: None

MOTION PASSES

K. Request to Purchase Tax-Reverted Properties. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The County Treasurer is responsible to sell the tax reverted properties. There are eight properties that Community & Neighborhood Services would like to obtain from the tax reverted list. Local municipalities have first option to pay the past due taxes and fees prior to the first tax auction. The application must be turned into the County Treasurer's Office by July 1, 2009.

FINANCIAL IMPACT: Total cost of the seven properties is \$25,630.90 (taxes) plus \$80 (registering of eight deeds).

BUDGET ACTION REQUIRED: To expend the \$25,710.90 necessary to purchase the properties through the NSP funds.

STAFF RECOMMENDATION: To approve the resolution and to authorize both the Mayor and the Clerk to sign said resolution and purchase application.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to approve the request to purchase the various tax-reverted properties.

ROLL VOTE: Ayes: Wierengo, Wisneski, Carter, Gawron, Spataro, and Warmington

Nays: None

MOTION PASSES

2009-57 NEW BUSINESS:

A. Termination of Restrictive Covenant for 1469/1470 Lakeshore Drive. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To deny the request to Terminate the Restrictive Covenants for 1469/1470 Lakeshore Drive. The City did not place the covenant on the property. The current owner had placed the covenant on the property in order to preserve the view of the lake from the home at 1469 Lakeshore Drive. The owner included the City in the enforcement of the covenant. The owner would like to have the covenant removed as both properties are for sale and the prospective purchaser does not want to purchase the properties with the covenant in place. The property at 1470 Lakeshore is a buildable lot based on

the zoning ordinance.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To deny the request to terminate the restrictive covenant and to authorize both the Mayor and the Clerk to sign the documents that meet the approval of the City Attorney.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to deny the request to terminate the restrictive covenant and to authorize both the Mayor and the Clerk to sign the documents that meet the approval of the City Attorney.

MOTION WITHDRAWN

Motion by Commissioner Spataro, second by Vice Mayor Gawron to direct City staff to draft the necessary documents to amend the restrictive covenant on the property located at 1469/1470 Lakeshore Drive in order to accommodate the improvements described in the letter provided by C. Douglas Meinhardi on behalf of Helen Jean Meinhardi, Arntz, subject to necessary approval by Zoning and Inspections.

ROLL VOTE: Ayes: Wisneski, Carter, Gawron, Spataro, Warmington, and Wierengo

Nays: None

MOTION PASSES

B. Concurrence with the Housing Board of Appeals Notice and Order to Demolish the Following: PUBLIC SAFETY

1464 Sixth Street, (home and garage) Area 10 – REMOVED PER STAFF

718 E. Isabella Avenue, (home and garage)

1201 Pine Street, (garage) Area 11b

1411 Sixth Street, Area 10

SUMMARY OF REQUEST: This is to request that the City Commission concur with the findings of the Housing Board of Appeals that the structures are unsafe, substandard, a public nuisance and that they be demolished within thirty days. It is further requested that administration be directed to obtain bids for the demolition of the structures and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

FINANCIAL IMPACT: CDBG Funds.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To concur with the Housing Board of Appeals

decision to demolish.

Motion by Commissioner Spataro, second by Vice mayor Gawron to concur with the Housing Board of Appeals notice and order to demolish 718 E. Isabella Avenue and 1411 Sixth Street.

ROLL VOTE: Ayes: Gawron, Spataro, Warmington, Wierengo, and Wisneski

Nays: None

Absent: Carter (stepped out of the room)

MOTION PASSES

Motion by Commissioner Spataro, second by Vice Mayor Gawron to concur with the Housing Board of Appeals notice and order to demolish 1201 Pine Street-garage only.

ROLL VOTE: Ayes: Gawron, Spataro, Warmington, Wierengo, Wisneski, and Carter

Nays: None

MOTION PASSES

2009-58 ANY OTHER BUSINESS: Curbside Recycling.

Motion by Commissioner Carter, second by Vice Mayor Gawron to extend the date for the curbside recycling for one more month until July 31, 2009.

ROLL VOTE: Ayes: Spataro, Warmington, Wierengo, Wisneski, Carter, and Gawron

Nays: None

MOTION PASSES

ADJOURNMENT: The City Commission Meeting adjourned at 6:50 p.m.

Respectfully submitted,

Ann Marie Becker, MMC
City Clerk